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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/586,586	12/07/2006	Vittorio Arca	293411US0X PCT	7389	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER		
			DANG, THUAN D		
			ART UNIT	PAPER NUMBER	
			1797		
			NOTIFICATION DATE	DELIVERY MODE	
			06/25/2010	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com oblonpat@oblon.com jgardner@oblon.com

Office Astion Comments		Applic	cation No.	. Applicant(s)			
		10/58	6,586	ARCA ET AL.	ARCA ET AL.		
Office Action Summary			iner	Art Unit			
		THUA	N D. DANG	1797			
Period fo	The MAILING DATE of this communica or Reply	ation appears or	the cover sheet v	vith the correspondence a	ddress		
A SH WHIC - Exter after - If NC - Failu Any r	ORTENED STATUTORY PERIOD FOI CHEVER IS LONGER, FROM THE MAI asions of time may be available under the provisions of SIX (6) MONTHS from the mailing date of this commun period for reply is specified above, the maximum statu re to reply within the set or extended period for reply will eply received by the Office later than three months afte and patent term adjustment. See 37 CFR 1.704(b).	ILING DATE OF 37 CFR 1.136(a). In r ication. tory period will apply a I, by statute, cause the	THIS COMMUN to event, however, may a and will expire SIX (6) MC application to become A	ICATION. I reply be timely filed INTHS from the mailing date of this ABANDONED (35 U.S.C. § 133).	,		
Status							
1) 又	Responsive to communication(s) filed	on 16 March 20	010				
•) This action					
′=		<i>'</i> —		tters, prosecution as to th	ne merits is		
٥/	3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Dispositi	on of Claims						
5)□ 6)⊠ 7)□	Claim(s) <u>1-17</u> is/are pending in the apple 4a) Of the above claim(s) is/are Claim(s) is/are allowed. Claim(s) <u>1-17</u> is/are rejected. Claim(s) is/are objected to. Claim(s) are subject to restriction	withdrawn from					
Applicati	on Papers						
9)□	The specification is objected to by the l	Examiner.					
-	The drawing(s) filed on is/are: a		r b) objected to	by the Examiner.			
.—	Applicant may not request that any objection		· -	-			
	Replacement drawing sheet(s) including the	ne correction is re	quired if the drawin	g(s) is objected to. See 37 (CFR 1.121(d).		
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority u	ınder 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 							
Attachmen			 □	O (DTC 110)			
2) Notic 3) Inforr	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTC nation Disclosure Statement(s) (PTO/SB/08) r No(s)/Mail Date	D-948)	Paper No	Summary (PTO-413) (s)/Mail Date Informal Patent Application			

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DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-17 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-11 of copending Application No. 12/375,830. Although the conflicting claims are not identical, they are not patentably distinct from each other because the conflicting claims disclose substantially the same process except that the conflicting process is operated by using a catalyst having both platinum and molybdenum. However, the platinum may be one of group VIII in the catalyst of presently claims process.

This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Response to Arguments

Applicant's arguments filed 3/16/2010 have been fully considered but they are not persuasive.

The argument that according to MPEP 822.01, the double patenting rejection should be removed is not persuasive since application 12/375,830 is <u>not yet</u> examined. MPEP 822.01 states that "a complete examination should be made of the claims of each application and all appropriate rejections should be entered in each application, including rejections based upon prior art.".

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to THUAN D. DANG whose telephone number is (571)272-1445. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on 571-272-1444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/THUAN D DANG/ Primary Examiner, Art Unit 1797